

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

YUSEF STEELE,

Plaintiff,

v.

WARDEN CICCHI, et al.,

Defendants.

CIVIL ACTION NO. 09-3551 (MLC)

O P I N I O N

THE COURT earlier recited the procedural history of the action in detail, insofar as it concerns the separate motions for summary judgment filed by each of the defendants on or about June 8, 2012, September 7, 2012, and November 8, 2012. (See dkt. entry no. 148, 12-28-12 Op.; dkt. entry no. 136, 9-13-12 Op.; dkt. entry no. 124, 7-9-12 Order.) Here, it is sufficient to note that the Court denied those motions because the plaintiff, pro se prisoner Yusef Steele, demonstrated that (1) he was entitled to certain discovery, (2) he had not yet received that discovery, and (3) he needed that discovery to oppose the defendants' motions ("the Discovery Issue"). (See 12-28-12 Op. at 1-3; 7-9-12 Order at 1-2, 4). See also Fed.R.Civ.P. 56(d).

THE DEFENDANTS now move anew for relief pursuant to Federal Rule of Civil Procedure 56(a). (Dkt. entry no. 162, DeAmicis Mot.; dkt. entry no. 161, Masone Mot.; dkt. entry no. 160, Barth Mot.;

dkt. entry no. 159, Cicchi Mot. (collectively, "the Summary Judgment Motions").) But it appears that the Discovery Issue has not been resolved, as (1) the U.S. Marshals Service served the subpoena at issue on non-party Speedy Bail Bonds, but (2) Speedy Bail Bonds has not responded to the subpoena. (See dkt. entry no. 163, Mot. to Compel & Supp. Docs. at 3-5.)

THE COURT will thus, for good cause appearing, issue a separate order, again denying the Summary Judgment Motions without prejudice. The Court suggests that the defendants refrain from moving anew for relief pursuant to Federal Rule of Civil Procedure 56(a) until the Magistrate Judge has resolved the Discovery Issue.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Date: March 4, 2013